

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv263**

<b>RICHARD E.CROTTS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>LINCOLN NATIONAL LIFE</b>	)	
<b>INSURANCE COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court *sua sponte*.

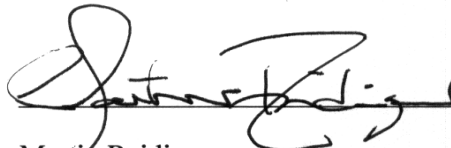
The Defendant removed this action to federal court on October 12, 2011 on the basis of federal question jurisdiction. [Doc. 1]. In the Notice of Removal, the Defendant noted that the state court action actually contains a claim pursuant to the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §1001, *et. seq.*; and thus, is completely preempted by ERISA. [Id.]. The Plaintiff did not object to that statement and did not move to remand. The time within which to do so has expired.

The Court will therefore require the parties to provide a modified certification of an initial attorney's conference in which they will address the following issues:

1. The deadline for filing the administrative record;
2. The need for a privilege log, if any;
3. The deadline for mediation and the name of a proposed mediator agreed upon by the parties;
4. The proposed deadlines for the filing of cross-motions for summary judgment; and
5. Whether the case may be resolved on the cross-motions for summary judgment without trial.

**IT IS, THEREFORE, ORDERED** that on or before twenty-one (21) days from entry of this Order, the parties shall file written response addressing the issues raised herein.

Signed: November 28, 2011

  
Martin Reidinger  
United States District Judge

